IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7307 of 2005

Between:

1 E. NIrmala, W/o. Krishnaiah,
H.No.7-1-1, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur
Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
2 e. Chellamma, W/o. Chenchaiah,
H.No.7-1-2, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur
Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
3 K. Chenchamma, W/o. Venkatamuni,
H.No.7-1-3, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur
Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
4 D. Munemma, W/o. Ram Murthy,
H.No.7-1-4, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur
Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
5 D. sukanaya, W/o. Jayachandra,
H.No.7-1-5, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur
Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
6 P. Munemma, W/o. Subbayya,
H.No.7-1-6, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur
Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
7 E. Ramatulasi W/o. Haribabu,
H.No.7-1-7, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur
Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
8 K. Savithri, W/o. Venkatamuni,
H.No.7-1-8, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur
Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
9 t. Giddamma, W/o. Venkatasubbaiah,
H.No.7-1-9, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur
Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
10 T. Nallakka, W/o. Tirupalaiah,
H.No.7-1-10, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur
Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.

11 D. Kumari,. W/o. Seshadri,
H.No.7-1-11, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
12 C. Nagamma, W/o. Nagaiah,
H.No.7-1-12, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
13 J. Mangamma, W/o. Chandra Mouli,
H.No.7-1-13, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
14 E. Chenchamma, W/o. Raju,
H.No.7-1-14, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
15 P. Munemma, W/o. Chengaiah,
H.No.7-1-15, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
16 N. Bujjamma, W/o. Nagaiah,
H.No.7-1-16, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
17 E. Shanthamma, W/o. Venkataramulu,
H.No.7-1-17, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
18 T. Nallakka, W/o. Eshwaraiah,
H.No.7-1-18, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
19 C. Muni Chengamma, W/o. Venkateshu,
H.No.7-1-19, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.
20 K. Chenchulaxmi, W/o. Madhu,
H.No.7-1-20, R/o. Rajiv Nagar Colony, H/o. Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittoor District.

..... PETITIONERS

AND

1 TheDistrict Collector, Chittoor.
2 The Revenue Divisional Officer, Tirupathi, chittoor District.
3 The Mandal Revenue Officer, Tirupathi Rural, Tirupahi, Chittoor District.
4 The Executive Officer, Tiruchanur Panchayat, Tirupathi Rural Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of 'Writ of Mandamus" declaring the action of the Respondents in trying to dispossess the petitioners from their huts in Sy.No. 100 and 1001 situated at Rajiv Nagar Colony, H/o. Daminedu Tiruchanur Panchayat & Revenue Village, Tirupathi Rural Mandal, Chittor District as illegal, arbitrary and contrary to the provisions of AP Land Encroachment Act, 1905 and against principles of natural justice and consequently direct the respondents to consider to issue of pattas to the Petitioners for house sites as per the policy of the government to provide house site and to pass such other

order or orders.

Counsel for the Petitioners: MR.C.RAMACHANDRA REDDY

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following :

O R D E R:

The petitioners claim to be the poor labourers who have constructed thatched huts in small extents of land in Survey Nos.100 and 101 situated at Rajiv Nagar Colony, H/o Daminedu, Tiruchanur Panchayat & Revenue Village, Tirupati Rural Mandal, Chittoor District, and have been residing therein with their families. It is stated that the Gram Panchayat, Tiruchanur, is collecting the house taxes from the petitioners and that they also made representations dated 10-09-2004 and 24-03-2005 requesting the respondents to grant pattas in their favour in respect of the lands in their occupation. It is alleged that while the representations are still pending the officials of the third respondent visited the houses of the petitioners last year and threatened demolition of the huts. Hence, this writ petition seeking a declaration that the action of the respondents in trying to demolish the huts in the lands-in-question, without following process of law, is arbitrary and illegal.

The learned Government Pleader for Revenue contends that even according to the representations dated 10-09-2004 and 24-03-2005 submitted by the petitioners, it appears that they have been residing in the huts in the lands-in-question only for the past one year and four months.

Be that as it may, since the petitioners ascertained that they have been in possession and enjoyment of the small extents of the lands-in-question, and particularly since their representations are still pending, they cannot be evicted from the lands-in-question without following due process of law.

The writ petition is accordingly disposed of with a direction to the first respondent to consider the request of the petitioners in their representations dated 10-09-2004 and 24-03-2005 and to pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such orders are passed, the respondents are directed not to demolish the huts belonging to the petitioners without following due process of law. No costs.

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(G. ROHINI, J)

Date: 04-04-2005

Issue Operative Portion by wire

B/o

ghn

To

1 The District Collector, Chittoor.
2 The Revenue Divisional Officer, Tirupathi, chittoor District.
3 The Mandal Revenue Officer, Tirupathi Rural, Tirupahi, Chittoor District.
4 The Executive Officer, Tiruchanur Panchayat, Tirupathi Rural Mandal, Chittoor District.

5 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

6. Two CD copies.

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7307 OF 2005

OPERATIVE PORTION (BY WIRE):

The writ petition is accordingly disposed of with a direction to the first respondent to consider the request of the petitioners in their representations dated 10-09-2004 and 24-03-2005 and to pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such orders are passed, the respondents are directed not to demolish the huts belonging to the petitioners without following due process of law. No costs.

The order follows….

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(G.ROHINI, J)

Date: 04-04-2005

Note:

1. Issue wire at party's costs.

2. Please send the bundle to the Court Masters Section after dispatch of the wire order.

B/o

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